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SENATE BILL 234

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO EDUCATION; CREATING THE COMPUTER HARDWARE LOAN FUND FOR THE PURPOSE OF LOANING COMPUTERS FOR USE BY STUDENTS IN PRIVATE SCHOOLS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Instructional Material Law is enacted to read:

"[NEW MATERIAL] COMPUTER HARDWARE LOAN FUND--COMPUTER HARDWARE LOAN PROGRAM.--

A. The "computer hardware loan fund" is created in the state treasury. The fund shall consist of transfers, appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year. Money in the fund is

1 appropriated to the department for the purpose of establishing  
2 and maintaining a computer hardware loan program pursuant to  
3 the provisions of this section, provided that no more than two  
4 percent of the annual expenditures from the fund shall be used  
5 by the department for administrative expenses. Expenditures  
6 from the fund shall be made on warrant of the secretary of  
7 finance and administration pursuant to vouchers signed by the  
8 secretary of public education.

9 B. As an agent for the benefit of its qualified  
10 students, a private school approved by the department may apply  
11 for the free classroom use of loaned computer hardware  
12 purchased by the department with money appropriated from the  
13 computer hardware loan fund. Pursuant to rules adopted by the  
14 department, an application shall demonstrate:

15 (1) a critical need for the free classroom use  
16 of the computer hardware; and

17 (2) how the computer hardware will support the  
18 use of electronic educational media in relation to the private  
19 school's nonsectarian curriculum.

20 C. Upon the approval of an application, the  
21 department and the private school shall enter into a loan  
22 agreement that includes:

23 (1) a provision that the private school is  
24 responsible for the inventory control, insurance and  
25 safekeeping of loaned computer hardware;

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1                   (2) assurances by the private school that the  
2 loaned computer hardware shall be used solely for the benefit  
3 of, and on behalf of, qualified students and used solely in the  
4 classrooms of the private school;

5                   (3) assurances by the private school that the  
6 loaned computer hardware shall not be used for any religious,  
7 sectarian or denominational purposes, instruction or material;

8                   (4) assurances that the private school agrees  
9 to monitoring visits by the department or its designee;

10                  (5) an acknowledgment that the loaned  
11 computer hardware is the property of the state and shall be  
12 labeled as such;

13                  (6) an acknowledgment that the loaned  
14 computer hardware is under the absolute control and ownership  
15 of the state, including an acknowledgment that the acquisition  
16 of the computer hardware and the implementation of this section  
17 is solely the responsibility, and within the discretion, of the  
18 department; and

19                  (7) the private school's agreement to  
20 reimburse the department for all lost, stolen or damaged  
21 computer hardware loaned for the benefit of the school's  
22 qualified students.

23                  D. The department shall adopt rules necessary for  
24 the implementation of the computer hardware loan fund,  
25 including standards for approving private schools for

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1 eligibility, standards for determining the critical need for  
2 assistance from the fund, procedures for application for the  
3 loan of computer hardware for classroom use, priorities for  
4 approving applications for the free classroom use of computer  
5 hardware, the criteria used to rank applications and procedures  
6 for implementing the acquisition, loan and return or disposal  
7 of computer hardware.

8 E. A private school may hold the parent, guardian  
9 or student responsible for any damage to or destruction of  
10 loaned computer hardware. The school may withhold the grades,  
11 diploma and transcripts of the student responsible for damage  
12 to, or the loss or destruction of, the loaned computer hardware  
13 until the parent, guardian or student has paid for the damage  
14 or destruction. The department shall deposit in the computer  
15 hardware loan fund all money it receives from a private school  
16 or its insurer for damage to or loss of loaned computer  
17 hardware.

18 F. As used in this section, "qualified student"  
19 means a student who:

20 (1) is attending the private school in any  
21 grade from one through twelve;

22 (2) is regularly enrolled in one-half or more  
23 of the minimum course requirements approved by the department  
24 for public school students;

25 (3) is at least five years of age prior to

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1 12:01 a.m. on September 1 of the school year; and  
2 (4) has not reached the student's  
3 twenty-second birthday on the first day of the school year."

4 Section 2. TRANSFER OF APPROPRIATION TO COMPUTER HARDWARE  
5 LOAN FUND.--The unexpended balance of the two million five  
6 hundred thousand dollars (\$2,500,000) appropriated to the  
7 public education department in Subsection 442 of Section 55 of  
8 Chapter 42 of Laws 2007 shall not be expended as provided in  
9 that subsection but shall be transferred to the computer  
10 hardware loan fund and expended pursuant to the provisions of  
11 Section 1 of this 2009 act. Notwithstanding the provisions of  
12 Laws 2007, Chapter 42, Section 2, the unexpended balance of the  
13 appropriation shall not revert.

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